

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

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United States of America

Case No.: 4:03-cr-0598-CWH-1

vs.

ORDER

Anthony Tyrone Brown


Anthony Tyrone Brown ("Brown") was found guilty by a jury of possession with intent to distribute fifty or more grams of cocaine base and a quantity of cocaine, 21 U.S.C. §§ 841(a)(1) & (b)(1)(A) (2000) (Count 1), and possession of a firearm by a convicted felon, 18 U.S.C. § 922(g)(1) (2000) (Count 2). On December 9, 2003, the Court sentenced Brown as an armed career criminal, within the meaning of United States Sentencing Guidelines ("U.S.S.G.") § 4B1.4, to a term of 262 months imprisonment as to each Count, with the sentences to run concurrently. On appeal, Brown mounted a challenge to his designation as an armed career criminal, but the Fourth Circuit Court of Appeals affirmed the Court's application of U.S.S.G. § 4B1.4 as well as Brown's sentences. United States v. Brown, 204 F. App'x 191, 193-94 (4th Cir. 2006) (per curiam).

On December 27, 2012, Brown filed a motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2), based on Amendment 750 to the U.S.S.G., which reduced the offense levels applicable to most offenses involving crack cocaine. The Court concludes that because Brown's sentence was based on his status as an armed career criminal pursuant to U.S.S.G. § 4B1.4, not on the drug quantities attributed to him, his guideline range is not affected by Amendment 750. See, e.g., United States v. Jones, — F. App'x —, 2013 WL 3782945, at *1 (4th Cir. July 22,

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2013) (per curiam) (“Because Jones’ Guidelines range was driven by his career offender designation and not the crack cocaine Guidelines provisions, the district court properly concluded that it lacked authority to grant a sentence reduction under § 3582(c)(2).”) (citing United States v. Munn, 595 F.3d 183, 187 (4th Cir. 2010)). Brown is ineligible for a sentence reduction under Amendment 750, and therefore, his motion (ECF No. 48) is denied.

AND IT IS SO ORDERED.



C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE

August 16, 2013
Charleston, South Carolina

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